



House of Representatives

General Assembly

File No. 399

February Session, 2016

Substitute House Bill No. 5189

House of Representatives, April 4, 2016

The Committee on Environment reported through REP. ALBIS of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT INCREASING THE MAXIMUM FINE FOR LITTERING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22a-250 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (b) (1) Any person who violates any provision of subsection (a) of
5 this section shall be fined not more than one [hundred ninety-nine]
6 thousand dollars. One-half of any fine collected pursuant to this
7 subsection shall be payable to [the state and one-half of such fine shall
8 be payable to] the municipality in which the arrest was made, [unless
9 the arrest was made by a conservation officer, special conservation
10 officer or patrolman appointed by the Commissioner of Energy and
11 Environmental Protection under authority of section 26-5, in which
12 case one-half of such fine shall be payable to the Department of Energy
13 and Environmental Protection] one-quarter of any fine collected
14 pursuant to this subsection shall be payable to the Department of
15 Energy and Environmental Protection for the purpose of operating,

16 maintaining and improving state parks and one-quarter of any fine
17 collected pursuant to this subsection shall be payable to the state.

18 (2) Whenever any person is convicted of a violation of subdivision
19 (2) of subsection (a) of this section, the court shall, in addition to
20 imposing the fine authorized by subdivision (1) of this subsection,
21 impose a surcharge in an amount equal to fifty per cent of such fine.
22 Any such surcharge collected pursuant to this subdivision shall be
23 payable to the municipality in which the arrest was made unless the
24 arrest was made by a conservation officer, special conservation officer
25 or patrolman appointed by the Commissioner of Energy and
26 Environmental Protection under authority of section 26-5, in which
27 case such surcharge shall be payable to the Department of Energy and
28 Environmental Protection.

29 (3) When any such material or substances are thrown, blown,
30 scattered or spilled from a vehicle, the operator thereof shall be
31 deemed prima facie to have committed such offense.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2016	22a-250(b)
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ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Department of Energy and Environmental Protection; Resources of the General Fund	GF - Revenue Gain	Up to approximately \$28,000	Up to approximately \$28,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Various Municipalities	Revenue Gain	Up to approximately 56,000	Up to approximately \$56,000

Explanation

This bill increases, from \$199 to \$1,000, the maximum fine for littering and redistributes the collected littering fines.

Current law requires one-half of a collected littering fine to be paid to the state, with the other half paid to the municipality where the arrest occurred.¹ In FY 15, approximately \$28,000 was collected in littering fines.

The bill diverts the increased fine revenue three ways: one-half to the municipality where the arrest occurred, one-quarter to the state, and one-quarter to the Department of Energy and Environmental Protection (DEEP) to operate, maintain, and improve state parks.

This is anticipated to result in an annual revenue gain of up to

¹ Unless the arresting authority is a conservation officer or patrolman appointed by DEEP, one-half of the fine is paid to DEEP.

approximately \$56,000 to municipalities, up to approximately \$28,000 to the state, and up to \$28,000 to DEEP for state parks, assuming a similar number of violations as last year.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the actual number of violations that occur.

OLR Bill Analysis**sHB 5189*****AN ACT INCREASING THE MAXIMUM FINE FOR LITTERING.*****SUMMARY:**

This bill (1) increases, from \$199 to \$1,000, the maximum fine for littering and (2) redistributes the collected littering fines.

By law, it is illegal to dispose of litter on public land or public property, in state waters, or on private property not owned by the litterer. Public land includes a state park, state forest, municipal park, or other publicly owned land open to the public for recreation. A violator is currently subject to a fine of up to \$199. The bill makes a violation punishable by a fine of up to \$1,000.

Current law requires one-half of a collected littering fine to be paid to the state, with the other half paid to the municipality where the arrest occurred unless the arresting authority was a conservation or special conservation officer or patrolman appointed by the Department of Energy and Environmental Protection (DEEP) commissioner, in which case one-half of the fine is paid to DEEP. Under the bill, collected fines are divided three ways: one-half to the municipality where the arrest occurred, one-quarter to the state, and one-quarter to DEEP to operate, maintain, and improve state parks.

Existing law, unchanged by the bill, requires courts to impose a surcharge on people convicted of littering on public land equal to one-half the fine imposed by the court. The surcharge must be paid to the municipality where the arrest occurred unless the arrest was made by a conservation officer or DEEP patrolman, in which case it goes to DEEP.

EFFECTIVE DATE: October 1, 2016

BACKGROUND***Litter and Littering***

By law, the act of littering involves throwing, scattering, spilling, placing, or causing these actions to occur, or otherwise improperly disposing of litter.

Litter is any discarded, used, or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination of them. It includes any bottle, jar, or can; or any top, cap, or detachable tab of any bottle, jar, or can; any unlighted cigarette, cigar, match, or any flaming or glowing material; any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste; newspaper or magazines; glass, metal, plastic, or paper containers; or other packaging or construction material that has not been deposited in a litter receptacle (CGS § 22a-248 (4)).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/16/2016)